

THE HON. MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

TRAVIS MICKELSON, et. ux.

Plaintiffs,

vs.

CHASE HOME FINANCE LLC, et. al.

Defendants.

NO. 2:11-cv-01445

NOTICE OF SUPPLEMENTAL  
AUTHORITY, PLAINTIFFS'  
RESPONSE TO DEFENDANTS'  
MOTION TO DISMISS

Plaintiff provides the following supplemental authority to their RESPONSE TO DEFENDANTS JPMORGAN CHASE BANK, MERS, AND FEDERAL HOME LOAN MORTGAGE CORPORATION'S PARTIAL MOTION TO DISMISS UNDER FED. R. CIV. P. 12(b)(6) AND JOINDERS THEREIN (dkt. no. 55) ("MTD Response"): Opinion and Order in the matter of *James, et. ux. v. Recontrust Company, et. al.*, 3:11-cv-00324-ST (D. ORE., Feb. 29, 2012)("Opinion and Order")(copy attached hereto).

The Opinion and Order at pp. 12-13 (analogous facts), 15-23 (analysis of comparable statute), 23-39 (analysis of similar arguments and other jurisdictions opinions), 40-41 (conclusion) supplements Plaintiffs argument in general, and specifically that:

The designation of MERS as a nominee to hold only a legal interest directly conflicts with the statutory definition of "beneficiary" which requires that the beneficiary must hold the note. Under the statutory definition, only MHL

NOTICE OF SUPPLEMENTAL AUTHORITY- 1

STAFNE LAW FIRM

239 NORTH OLYMPIC AVENUE  
ARLINGTON, WA 98223  
TEL. 360.403.8700 /STAFNELAWFIRM@AOL.COM

1 Funding could be the note holder and therefore "beneficiary" at the time the  
foreclosure was initiated. *See* RCW 61.24.005(2).

2 MTD Response at 10:16-20. The opinion was issued a month after plaintiffs response was due  
3 and provides useful comparison and analysis.

4 Therefore, the plaintiffs respectfully request this Court take notice of Opinion and Order  
5 as part of plaintiff's arguments (MTD Response at 10:16-20) in response to the pending  
6 motion to dismiss.

7  
8 DATED this 6th day of March, 2012 at Arlington, WA.

9  
10 Respectfully Submitted,

11 

12 Scott E. Stafne, WSBA #6964

13 Stafne Law Firm

14 239 North Olympic Avenue

15 Arlington, WA 98223

16 Phone: (360) 403-8700

17 Fax: (360) 386-4005

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that on March 6<sup>th</sup>, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Fred B. Burnside: fredburnside@dwt.com

Rebecca J. Francis: RebeccaFrancis@dwt.com

Heidi E. Buck: hbuck@rcolegal.com

Andrew Gordon Yates: yatesa@lanepowell.com

John S. Devlin, III: devlinj@lanepowell.com

Erin McDougal Stines: erin.stines@fnf.com

DATED this 6<sup>th</sup> day of March, 2012 at Arlington, WA.

  
Chessa Tachiki, Paralegal  
Stafne Law Firm